[illegible] :RKS

Claims 1-5, 8-12, 15 and 16 are pen[illegible] this application.

The Office Action rejects, under 35 §103, claims 1-5, 8-12, 15, and 16 over Lee et al. (U.S. Patent No.5,490,732) and Kumar [illegible].S. Patent No.6,657,987). This rejection is respectfully traversed.

To establish a *prima facie* case of o[illegible]ness, three basic criteria must be met. First, there must be some suggestion or motivati[illegible]er in the reference or in the knowledge generally available to one of ordinary skill [illegible]rt, to modify the reference or to combine the reference teachings. Second, there must be [illegible]onable expectation of success. Finally, the prior art reference, when combined, must [illegible] suggest all of the claim limitations. The teaching or suggestion to make the claime[illegible]ination and the reasonable expectation of success must be found in the prior art [illegible]ot based on applicant's disclosure (MPEP 2142). The prior art must suggest the desi[illegible] of the claimed invention (MPEP 2143.01).

Applicants assert neither Lee et al. [illegible]umar et al. disclose or suggest "calculating a deferral window for said first user termina[illegible]e stream; scheduling transmissions of data frames between said base station and said [illegible]ty of user terminal traffic streams that remain on said active list; and returning said first use[illegible]inal traffic stream to said active list at the expiration of said deferral window" as rec[illegible] independent claim 1. For example, the deferral window can be calculated for deferring th[illegible]n of the first user terminal traffic stream to the active list. This therefore can have the be[illegible] improving the Quality of Service as polling of the first user terminal is eliminated during [illegible]eferral window.

The Office Action states that in co[illegible], lines 53-54 Lee et al. discloses "a latency period, which is a design parameter." Thi[illegible]ncy period (or polling interval) amounts to the fixed and not calculated scheduling windo[illegible] as shown in Fig 2A of applicant's specification. The Office Action then refers to Kumar e[illegible]ure 8, element 801, and concludes that it would have been obvious to one skilled in the ar[illegible]culate the latency period of Lee et al in order for the system to be more responsive to chan[illegible] traffic flow. Hence, in summary, the Office Action is of the opinion that the teaching[illegible]e et al when combined with Kumar et al essentially teaches a latency period that can [illegible]culated and therefore this period may vary.

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As stated above the latency period i
and not calculated scheduling window 250
250 is not the same as the deferral window
specification. It is therefore submitted that
Kumar et al it is clear that there is no menti
claim 1. What is described in Lee et al is a
applicants scheduling window 250) that is
assigned to each active station. Thus by co
possibility of the number of slots varying d
contrast, the deferral window 220 as claim
return of the first user terminal traffic strea
claim 1 "returning said first user terminal t
deferral window". Hence, the combination
deferral window in applicant's claim 1. It

Regarding claim 8, the same comm
submitted that claim 8 is patentable.

Regarding Claims 2-5 and 9-12 it i
claim 8, now cancelled, the patentable claim
depending from claim 8 should also be co
parameters of claims 2 and 9 are not desc
Kumar et al is for calculating a service ra
This equation (equation 1) does not calcul
or 9 as there is no mention of a deferral w
the equation in Kumar et al calculates the
applicant's claim 2 or 9 calculates a time
rate). Similarly regarding claims 3 and 1
relate to calculating a deferral window, th
token rate).

al (or polling interval)amounts to the fixed
licant's specification. This, scheduling window
illustrated in Fig 2A of applicant's
the above teachings of Lee et al in view of
he deferral window as claimed in applicant's
of time (the latency period that amounts to
determine a number of slots to be initially
g Lee at al and Kumar et al would result in the
ing on the calculated latency period. In
pplicant's claim 1, is used for deferring the
he active list as clearly recited as the last step of
stream to said active list at the expiration of said
e et al and Kumar et al would not result in the
efore submitted that claim 1 is patentable.
egarding claim 1 also apply and it is therefore

mitted that since applicant believes claim 1 and
depending from claim 1 and claims 9-12
d patentable. Furthermore, the equation
n Kumar et al. The equation (equation 1) in
etermining the data rate over a time interval.
deferral window equation in applicant's claim 2
in Lee at al or Kumar et al. More specifically,
e rate whereas the deferral window equation in
based on a mean service rate (mean data transfer
equation in Kumar et al in column 6 does not
ation is for determining a polling interval (a

Further to the above, since there is n tion of the deferral window in Lee at al or Kumar et al then the further clarifications o alculations of the deferral window in claims 4,5,11 and 12 are also patentable.

Regarding claim 15, since it has bee mitted above that the deferral window is not mentioned in either Lee et al or Kumar et a the recited equation:

$$T_D = \begin{cases} T_1, & L_{eq_1} \geq T_{th} \\ T_2, & otherwise \end{cases}$$

mentioned. Hen submitted that claim 15 now on file is patentable. Also, since it is submitted that 15 is patentable and also because the equation in Kumar in column 6 does not relate to ca g a deferral window then dependent claim 16 should also be considered patentable.

Furthermore, the Office Action alle e calculation of Kumar is based on the same parameters and is closely related to the app s claimed calculation, rendering the applicant's calculation obvious." Applicants disagree allegation does not satisfy a finding of obviousness.

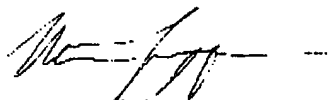
In particular, the Office Action ad mar does not disclose the claimed feature. Furthermore, there is no statutory or factu for a finding of obviousness based solely on a reference disclosing something "based on e parameters" and "closely related." Applicants are unaware of any such stande the United States Code, in the Federal Rules, in the Manual of Patent Examining Procedur the case law. Furthermore, such motivation is not found in the references. Therefore, th e Action's allegation does not satisfy a finding of obviousness.

Based on the foregoing amendme remarks, Applicants respectfully submit this application is in condition for allowance. able consideration and prompt allowance of claims 1-5, 8-12, 15 and 16 are earnestly d.

Should the Examiner believe that g further would be desirable in order to place this application in better condition for all , the Examiner is invited to contact Applicants' undersigned representative at the telepho ber listed below.

The Co[illegible] is hereby author[illegible] deduct any fees arising as a result of this Amendment or [illegible] to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,



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